Newsday 8/4/99

A66

$16M to Heirs for Zapruder Film

THE ASSOCIATED PRESS

Washington — The government must pay the heirs of Dallas dressmaker Abraham Zapruder $16 million for his film that captured the assassination of President John F. Kennedy — 26 seconds of history the Zapruder family said should be valued like a van Gogh.

In a 2-1 vote, announced by the Justice Department yesterday, arbitrators set the amount after attorneys for the government and Zapruder family could not agree on a price. The government offered $1 million; the family asked $30 million.

"The Zapruder film is one of a kind," arbitrators Arlin Adams, a former federal appeals court judge, and Kenneth Feinberg, wrote in a majority opinion. They said they relied heavily on testimony given by auction house experts who tagged the value at $25 million or more.

The third arbitrator, Walter Dellinger, a former solicitor general and now a law professor at Duke University, wrote that $3 million to $5 million would have been enough.

Attorneys for both sides accepted the figure as an appropriate compromise. The family said in a statement, "We believe the result reached by the arbitration panel is fair and reasonable."

The film is stored in a 25-degree room at the National Archives in College Park, Md. In 1997, the Assassination Records Review Board declared the film the permanent possession of the people of the United States. The Constitution requires the government to pay owners of private property taken for the public good.

David Ogden, acting assistant attorney general for the Justice Department's Civil Division, issued a statement saying the government was relieved that the film would be part of the archives' permanent collection.

Government appraisers had argued that Zapruder's movie was just a strip of celluloid wound around a plastic reel. They said that excluding jewelry, the highest amount paid for any of 1,200 items from former first lady Jacqueline Kennedy Onassis' estate was $1.4 million for an antique French desk where President John F. Kennedy signed the Nuclear Test Ban Treaty.

The Zapruder family argued that the film should be valued like the works of Dutch painter Vincent van Gogh or pop artist Andy Warhol.

Some Kennedy assassination researchers don't think the government should have paid a nickel, especially because the amount does not include the copyright. The family said it is working to transfer the copyright to a yet-undisclosed public institution.